

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY MILES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88088-COA

FILED

OCT 04 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Miles appeals from a district court order denying a petition for a writ of mandamus filed on September 13, 2023.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Miles contended that the method for determining the credit that should be applied toward an offender's sentence had been revised by Senate Bill (S.B.) 413 and that these revisions should apply to him. The district court denied the petition because (1) S.B. 413, which was passed by the Nevada Legislature in 2023, does not become effective until July 1, 2025; and (2) Miles had a plain, speedy, and adequate remedy in the ordinary course of the law through a postconviction habeas petition. On appeal, Miles appears to contend that a petition for a writ of mandamus was the proper vehicle to pursue his claim because he sought an order compelling the government to apply his newly "elected" computation

¹Miles alternatively sought a writ of prohibition but does not provide cogent argument regarding that relief. Therefore, we need not consider it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Further, Miles indicated in his notice of appeal that he was appealing the denial of his motion for transport, but the record on appeal does not reflect that a motion for transport was filed in the district court.

method. Miles also argues the district court erred by denying his petition without first conducting an evidentiary hearing.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170.

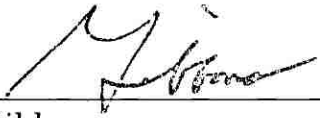
A postconviction petition for a writ of habeas corpus “[i]s the *only* remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction, after all available administrative remedies have been exhausted.” NRS 34.724(2)(c) (emphasis added). Therefore, Miles had a plain, speedy, and adequate remedy in the ordinary course of law. Because Miles had an adequate remedy available, he failed to demonstrate mandamus relief was warranted, and so the district court did not err in denying his petition without first conducting an evidentiary hearing.


Although Miles argues that mandamus was proper because he challenged the computation method rather than the computation number, we conclude that this claim lacks merit. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017) (recognizing the petitioner’s claim that credits were not being applied to her eligibility for parole under NRS 209.4465(7)(b) challenged the computation of time served and was properly raised in a petition for a writ of habeas corpus); *Johnson v. Dir., Nev. Dep’t of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (affirming the district court’s denial of a petition for a writ of habeas corpus

in part because “when appellant expired his sentences, any question as to the method of computing those sentences was rendered moot”).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Anthony Miles
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk